

RECEIVED  
CENTRAL FAX CENTER PATENT  
P-US082-A-MF

MAY 14 2008

**REMARKS/ARGUMENTS**

After entry of this amendment, claims 1, 3, 5, and 23 will be pending in the application.

In the office action the Examiner rejected claims 27 and 28 under 35 USC 112, 1<sup>st</sup> paragraph. This rejection is made moot by the cancelation of these claims.

In the office action the Examiner also rejected claims 1, 2, 5, 23, 27, and 28 under 35 USC 103 as being unpatentable over the Cohen Article in view of Elarde and Lane. The Examiner also rejected claim 3 under 35 USC 103 as being unpatentable over the Cohen Article in view of Elarde and Lane and further in view of the Amateau Article. The Examiner also rejected claim 4 under 35 USC 103 as being unpatentable over the Cohen Article in view of Elarde and Lane and further in view of TS.

In view of these rejections, claim 1 has been amended to incorporate the elements of claims 2 and 4 while claim 5 has been placed in independent form and one of the alternatives to the subsequent operation has been deleted.

Claim 1, as now presented, requires that the third material be added during the formation of the at least one layer to at least partially fill the pores in the second material and further that the third material include a metal and even further that all of the first, second and third materials undergo planarization. No combination of Cohen, Earle, Lane, and the TS include all elements of the claim as amended. Though the TS article does acknowledge that porous coatings may be formed and the pores may be filled, it does not teach the at least partial filling of those pores with a metal. Furthermore, no reasonable combination of these references teaches the formation of a multilayer three-dimensional structure from an electrodeposited sacrificial metal, a second material that is thermally spray deposited having pores that are filled, at least in part, by a metal, on at least one layer which is subject to planarization. In view of these amendments, claim 1 and its dependent claims are believed to be patentable.

Claim 5 has been limited to a combination of the elements previously presented in claim 1 along with the second alternative previously set forth in claim 5 (i.e. performing of at least one additional operation so that enhanced adhesion occurs between the second material and the material deposited in association with another

PATENT  
P-US082-A-MF

layer. No reasonable combination of Cohen, Elarde, and Lane provide all elements as claimed. In view of these amendments, claim 5 is believed to be patentable.

In view of the amendments and remarks, the application is believed to be in condition for allowance and reconsideration and withdrawal of the rejections and passage to allowance is earnestly solicited. If any questions should arise concerning this application or if it would otherwise be useful to discuss this application, please do not hesitate to contact the undersigned by phone so as to expedite prosecution of this application.

Microfabrica Inc.  
7911 Haskell Avenue  
Van Nuys, CA 91406  
Ph: (818) 786-3322, ext. 105  
Fx: (818) 997-3659

Respectfully submitted,



Dennis R. Smalley  
Reg. No. 35,364

I certify that this paper and any indicated enclosure(s) and fee(s) are being facsimile transmitted on May 14, 2008 to the U.S. Patent and Trademark Office fax number (571) 273-8300.

  
Vanessa Jordan-Osler